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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

In re M.B., a Person Coming Under the Juvenile
Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

M.B.,

Defendant and Appellant.

F078620

(Super. Ct. No. JJD070662)

OPINION

THE COURT*

APPEAL from an order of the Superior Court of Tulare County. Hugo J. Loza,
Judge.

Carol A. Koenig, under appointment by the Court of Appeal, for Defendant and
Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and
Respondent.

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* Before Detjen, Acting P.J., Meehan, J. and Snauffer, J.

STATEMENT OF APPEALABILITY

M.B. appeals from an order pursuant to Welfare and Institutions Code section 602¹ wherein the juvenile court sustained a violation of probation pursuant to section 777, subdivision (a), and committed her to the Tulare County Mid-Term Program.

This appeal is from a judgment that finally disposes of all issues between the parties within the meaning of California Rules of Court, rule 8.204, subdivision (a)(2)(B).

STATEMENT OF THE CASE

Prior Record

Underlying Offenses:

On May 31, 2017, Kings County filed a felony petition alleging that on or about May 26, 2017, then fourteen-year-old M.B. violated Vehicle Code section 10851, subdivision (a), by taking a vehicle without the owner's consent. On June 8, 2017, M.B. admitted the Kings County felony petition and the court ordered the matter transferred to Tulare County for disposition as M.B. was a Tulare County resident.

On June 14, 2017, Tulare County filed another felony petition alleging that on or about March 28, 2017, M.B. violated Vehicle Code section 10851, subdivision (a).

On September 7, 2017, Tulare County accepted the transfer-in of the Kings County petition. On September 27, 2017, M.B. admitted the Tulare County felony violation of Vehicle Code section 10851, subdivision (a).

On October 12, 2017, as disposition for both cases, the court adjudged M.B. a ward of the court, specified that both offenses were felonies, placed her on probation, and ordered her to complete the Tulare County Short-Term Program (90-180 days) with various terms and conditions of probation, including search and seizure, 20 hours community service, curfew, chemical testing, counseling, school attendance, and a restitution fine.

¹ Undesignated statutory references are to the Welfare and Institutions Code.

First Violation of Probation Petition:

On February 13, 2018,² Tulare County Probation filed a probation violation pursuant to section 777, subdivision (a), based on M.B.'s failure to attend school regularly, failure to abstain from the use of alcohol, and failure to obey her curfew. On February 14, M.B. admitted the petition and on March 1, the court continued M.B. as a ward of the court in her father's home with various terms and conditions of probation.

Second Violation of Probation Petition:

On March 26, the probation officer filed another probation violation based on M.B.'s failure to report to the probation officer, school absence, violating her curfew, failure to obey her father and the probation officer's directives, and failure to refrain from using illegal substances as she provided a urine sample positive for THC and cocaine. On May 1, M.B. admitted the probation violation. On May 17, the court recommitted M.B. to the Tulare Short-Term Program for 180 days.

New Offense:

On July 31, a new petition was filed pursuant to section 602 alleging that M.B. had violated Penal Code section 594, subdivision (a), misdemeanor vandalism, by cutting off her electronic monitor and disposing of it. On September 7, M.B. admitted the petition. On October 9, the court continued M.B. a ward of the court in her father's home, ordered she continue in the aftercare program, ordered restitution in the amount of \$575, and ordered various terms and conditions of probation.

Current Violation of Probation Petition

On October 23, Tulare County Probation filed a probation violation pursuant to section 777, subdivision (a), alleging that M.B. failed to attend school regularly, failed to participate in drug and alcohol counseling, failed to participate in mental health counseling, and failed to abide by her curfew as evidenced by Visalia police reports on

² Subsequent references to dates are to dates in 2018.

October 1, October 13, and October 15, when her family reported her missing. On October 31, M.B. admitted the probation violation. At disposition on November 16, the juvenile court continued M.B. a ward of the court, ordered her to complete the Tulare County Mid-Term Program for 365 days, ordered a psychiatric medication assessment, and imposed various terms and conditions of probation.

On December 20, M.B. filed a timely notice of appeal.

STATEMENT OF FACTS

Prior Record

According to the probation reports, both violations of Vehicle Code section 10851, committed on or about March 28, 2017 and May 26, 2017, stemmed from M.B. taking the cars of both of her adoptive parents without permission. On October 12, 2017, for disposition on those two offenses, she was ordered to complete the Tulare County Short-Term program for 90-180 days. On January 3, 2018, she was released from the Short-Term Program to her father's home, and on February 4, M.B. absconded from her home, resulting in a probation violation petition being filed. At that time, she was on Electronic Monitoring as part of the Short-Term Program Aftercare program, and she cut off her electronic monitor, disposing of it, resulting in the vandalism petition (Pen. Code § 594, subd. (a)), ultimately filed on July 31. While M.B. was continued on probation in her father's home, she continued to violate the terms of her probation, resulting in another probation violation petition filed on March 26, for failure to report to the probation officer, school absence, violating her curfew, failure to obey her father and probation officer's directives, and failure to refrain from using illegal substances as she provided a urine sample positive for THC and cocaine. Ultimately, M.B. was detained on or about May 1, following concerns about her having a plan to commit suicide, engaging in self-harming behavior, continued running away, concerns that she may have a substance abuse disorder, her associations with older men and gang members, and her mental health. On May 15, the juvenile court recommitted M.B. to the Tulare County Short-

Term Program for 180 days. She successfully completed the in-custody portion of the program on August 21, and was released on aftercare.

Current Violation of Probation Petition

On October 23, a probation violation pursuant to section 777, subdivision (a), was filed alleging that M.B. failed to attend school regularly, failed to participate in drug and alcohol counseling, failed to participate in mental health counseling, and failed to abide by her curfew as evidenced by Visalia Police reports on October 1, October 13, and October 15, when her family reported her missing. A warrant was issued and on October 31, at the detention hearing, M.B. admitted the probation violation and was detained pending disposition.

The probation report filed on November 13, stated that M.B.'s adoptive father and his ex-wife adopted M.B. when she was seven years old. They share joint legal custody, with the adoptive father having physical custody. M.B.'s adoptive mother stated that M.B. had repeatedly ran away from her home, often to be with her biological mother. M.B. stated that she did not get along with her adoptive mother, hence she was residing with her adoptive father when she failed to come home on September 30, resulting in a missing person report being filed. Although she returned home the same evening, approximately two weeks later the adoptive mother filed another missing person report based on M.B.'s failure to return home. M.B. has a substance abuse history with multiple drugs and admitted recently smoking marijuana. She reported that she suffers from depression and admitted recently cutting on her arms. M.B. was not attending school regularly and stated that she felt she could not succeed in her current school because other students were a bad influence on her. While her grades were satisfactory, her attendance was not and she had been suspended from school on October 12, due to a behavior issue. The adoptive father stated that M.B. was pending a bipolar diagnosis and was in the process of being prescribed medication for the condition when she was detained on the probation violation.

The probation officer noted several concerns: the risk M.B. posed to herself in that she continued to abscond from home, associate with gang members, and had prior incidents of sexual abuse in which she was a victim of assault from gang members. The probation officer was also concerned with the level of supervision in the home. The probation officer considered placement in a group home or foster home but believed M.B. was in need of a more structured program in a locked facility. The probation officer recommended that M.B. be placed in the Tulare County Mid-Term Program for one year, where she would have the opportunity to participate in substance abuse counseling, the New Phoenix Program, family counseling, and continue her education.

On November 16, M.B.'s counsel asked the court to recommit M.B. to the Tulare County Short-Term Program and give her an opportunity to complete that program along with use of psychotropic medication. The court observed that M.B. had done the Short-Term Program twice. The court continued M.B. as a ward of the court, ordered that she complete the Tulare County Mid-Term Program for 365 days, ordered a psychiatric medication assessment, and imposed various terms and conditions of probation.

APPELLATE COURT REVIEW

M.B.'s appointed appellate counsel has filed an opening brief that summarizes the pertinent facts, raises no issues, and requests this court to review the record independently. (*People v. Wende* (1979) 25 Cal.3d 436.) The opening brief also includes the declaration of appellate counsel indicating that M.B. was advised she could file her own brief with this court. By letter on March 28, 2019, we invited M.B. to submit additional briefing. To date, she has not done so.

After independently reviewing the entire record,³ we have concluded there are no reasonably arguable legal or factual issues.

³ The record in this case consists of Volumes 1 and 2 of a 453-page Clerk's Transcript, and Volumes 1-15 of a 211-page Reporter's Transcript.

DISPOSITION

The order is affirmed.